

### REMARKS

Applicants thank the Examiner for the thorough consideration given the present application. Claims 1-16 are currently being prosecuted. The Examiner is respectfully requested to reconsider the rejections in view of the amendments and remarks as set forth below.

### CLAIM FOR PRIORITY

It is gratefully acknowledged that the Examiner has recognized the Applicants' claim for foreign priority. Because the Applicants' claim for foreign priority has been perfected, no additional action is required from the Applicants at this time.

### ACKNOWLEDGEMENT OF INFORMATION DISCLOSURE STATEMENT

The Examiner has acknowledged the previously filed Information Disclosure Statement. An initialed copy of the PTO-1449 has been received from the Examiner. No further action is necessary at this time.

### REJECTION UNDER 35 U.S.C. § 102

Claims 1, 3, 9 and 11 stand rejected under 35 U.S.C. § 102 as anticipated by Ikenoya et al. This rejection is respectfully traversed.

Amended independent claim 1 includes a combination of elements and is directed to an exhaust gas purifying device for a four-cycle engine having a secondary air supply passage for supplying secondary air to an exhaust port and a valve for opening and closing the secondary air supply passage with exhaust pulsations. Further, a longitudinal axis of the exhaust port is disposed parallel to a longitudinal axis of a camshaft as viewed in a plan view of the engine, and the valve is disposed on a side of the engine which is perpendicular to the camshaft. Independent claim 9 includes similar features in a varying scope.

These features is supported at least by Figure 3 and paragraph [0037] in the specification. For example, Figure 3 illustrates that a longitudinal axis C3 of the exhaust port 32 is disposed parallel to a longitudinal axis C2 of a camshaft 30 as viewed in a plan view of the engine 5.

Figure 2 illustrates the valve 33 being disposed on a side of the engine 5 which is perpendicular to the camshaft 30.

On the contrary, as shown in Figure 2 of Ikoneya et al., a longitudinal axis of the exhaust port 6 is not disposed parallel to a longitudinal axis of a camshaft 15 as viewed in a plan view of the engine. Rather, the longitudinal axis of the exhaust port 6 is at an angle with respect to a longitudinal axis of the camshaft 15 as viewed in a plan view of the engine.

Accordingly, it is respectfully submitted independent claims 1 and 9 and each of the claims pending therefrom are allowable.

#### REJECTION UNDER 35 U.S.C. § 103

Further, it is respectfully submitted the rejection of claims 2 and 10 under 35 U.S.C. § 103 as unpatentable over Ikenoya et al. in view of design choice, and the rejection claims 4-8, 12-16 under 35 U.S.C. § 103(a) as unpatentable over Ikeyona et al. in view of Hori et al. have also been overcome as the claims rejected therein are dependent claims and Hori et al. also does not teach or suggest these features recited in amended independent claims 1 and 9.

#### CONCLUSION

In view of the above remarks, it is believed that the claims clearly distinguish over the patents relied on by the Examiner, either alone or in combination.

Since the remaining patent cited by the Examiner has not been utilized to reject the claims, but to merely show the state of the art, no comment need be made with respect thereto.

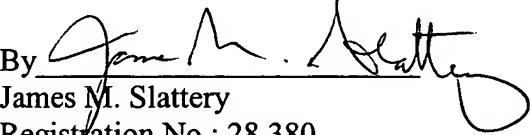
In view of the above amendment, applicant believes the pending application is in condition for allowance.

Should there be any outstanding matters that need to be resolved in the present application, the Examiner is respectfully requested to contact David A. Bilodeau Reg. No. 42,325 at (703) 205-8072, to conduct an interview in an effort to expedite prosecution in connection with the present application.

If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies to charge payment or credit any overpayment to Deposit Account No. 02-2448 for any additional fees required under 37.C.F.R. §§1.16 or 1.14; particularly, extension of time fees.

Dated: November 21, 2006

Respectfully submitted,

By   
James M. Slattery  
Registration No.: 28,380  
BIRCH, STEWART, KOLASCH & BIRCH, LLP  
8110 Gatehouse Road  
Suite 100 East  
P.O. Box 747  
Falls Church, Virginia 22040-0747  
(703) 205-8000  
Attorney for Applicant